

KANAB CITY COUNCIL MEETING
AUGUST 25, 2015
KANE COUNTY COMMISSION CHAMBERS

PRESENT: Mayor Robert D. Houston, Council Members Kirt Carpenter, Cheryl Brown, Kent Burggraaf, Brent Chamberlain and Joe B. Wright, City Recorder Joe Decker, Attorney Jeff Stott and City Treasurer Raelene Johnson.

WORK MEETING: Mayor Houston opened the work meeting at 6:40 p.m. Mr. Decker explained the need to change the printing of the water bills from the post cards to a full sheet of paper. The State is mandating more information be included on the bills. A sample of the new water bill was reviewed. A post card will be used again this month, but in October the new bill should be ready. Mr. Decker informed the Council that the case with the swimming pool has been settled. It was settled on Friday, August 21, 2015. The City will be receiving a check in the amount of \$130,000. The new terminal at the airport will go out for bid the 1st part of October and construction should begin the end of October. The City is planning on hiring a new planner named Bob Nicholson. He comes highly recommended. A contract will be brought before the Council next meeting for the Council's approval. Mayor Houston stated he had talked with Mr. Martella concerning the golf course. He was told that the owners of the golf course are trying to figure out what they need to do.

Prayer was offered by Joe B. Wright and the pledge was led by Brent Chamberlain.

Mayor Houston called the regularly scheduled meeting to order at 7:00 p.m. Roll call was taken.

APPROVAL OF AGENDA: A motion was made by Council Member Brown to approve the agenda of August 25, 2015. A motion to amend the motion to approve the agenda was made by Council Member Wright by striking items 10 and 12 and having them put on the next agenda. That motion was 2nd by Council Member Brown. Motion passed unanimously. Council Member Wright said that the Council had agreed to not have the public hearings and the voting on the ordinance at the same meeting. Council Member Burggraaf didn't think that all public hearings on ordinances be put off to another meeting. He felt that only controversial items would need the public hearing and voting separate. Council Member Wright felt it needed to be consistent. This way the public will have more time for review. Council Member Chamberlain said he supported Council Member's Wright position. Mayor Houston stated that if something is time-sensitive, it could be passed at the same meeting. Council Member Burggraaf stated he was not in favor of always delaying the public's business. Motion passed as follows: All voting yea and 2 nay. Council Members Burggraaf and Carpenter voting Nay.

APPROVAL OF MINUTES: A motion was made by Council Member Chamberlain and 2nd by Council Member Carpenter to approve the minutes of the July 28th meeting. Motion passed unanimously. A motion was made by Council Member Brown and 2nd by Council Member Wright to approve the minutes of the special meeting held July 30th. Motion passed unanimously.

APPROVAL OF ACCOUNT PAYABLE VOUCHERS: A motion was made by Council Member Wright and 2nd by Council Member Chamberlain to approve the check register dated August 11th in the amount of \$225,619.79 with check #1275 being voided, and check register dated August 25th in the amount of \$294,650.88. Motion passed unanimously.

PUBLIC COMMENT PERIOD: Joan Thacher addressed the Council. She expressed concern about the way public hearings have been advertised especially for the Planning Commission. She said the last public hearing wasn't on the website. Public Hearings are supposed to be published in the local paper 10 days prior to the meeting. She would like everything to be published legally. Karalee Woods stated that if the Council is putting public hearings on their agenda whether they are required or not should they also be posted 10 days prior of the meeting Mr. Stott said he would check on that. She doesn't feel public hearings are given enough notice. She feels 2nd public hearing are important. Mr. Jim Walls said that apathy is a serious weakness of democracy. Mr. Jeff Frey felt there needed to be a way to access more information on the public hearings. Mayor Houston said all of the information is included on the State's web site where the agenda is posted. The entire packet is included.

CANVAS THE 2015 KANAB MUNICIPAL PRIMARY ELECTION: Carol Lee Hunt addressed the Council. She explained the voting process and the totals. The absentee ballots and the provisional ballots, (which were 11) were opened by Council Members Chamberlain and Burggraaf and Mayor Houston. Carol Lee Hunt went to upload the ballots into the computer. Valerie Heinz went with her to witness the process.

RESOLUTION 8-1-15 R/A RESOLUTION ADOPTING THE SEWER SYSTEM MANAGEMENT PLAN: Council Member Carpenter suggested reviewing the No-Fault Sewage Backup Claims Program. It was noted that a property owner should notify the Public Works Director if they have a backup problem. The City will assist in the cleanup regardless of fault within restrictions and limitations of the policy. In no event will Kanab City pay for the payment of special or consequential damages. One third of the sewer system is cleaned every year. A motion was made by Council Member Carpenter and 2nd by Council Member Brown to adopt Resolution 8-1-15 R the sewer system management plan. Motion passed unanimously by roll call vote.

ORDINANCE 8-1-15 O/AN ORDINANCE AMENDING KANAB CITY GENERAL ORDINANCE SECTION 8: A motion was made by Council Member Wright and 2nd by Council Member Chamberlain to adopt Ordinance 8-1-15 O amending Section 8: Municipal Property. Motion passed unanimously by roll call vote.

ELECTION CANVASS: A motion was made by Council Member Chamberlain and 2nd by Council Member Brown to accept the 2015 Kanab Municipal Primary election as presented. Motion passed unanimously. Total votes were as follows: Joe B. Wright 526, Patty Hegwood 260, John Jacobs 130, Michael R. East 449, Jeff Yates 468, Allen Gilberg 253, and Robert Brissette 61.

PUBLIC HEARING ON AMENDING CHAPTER 3 OF THE LAND USE ORDINANCE: A motion was made by Council Member Chamberlain and 2nd by Council Member Wright to go in and out of public hearing at

the discretion of the Mayor to discuss Chapter 3 of the Land Use Ordinance on the appeals process. Mr. Herb Alexander expressed his feelings that the appeal fee of \$250 is too expensive. He would also like the ordinance to state business days instead of calendar days. He thinks it would be a huge burden on someone who hasn't very much money. He also thinks the project should stop the day the appeal is made. Allen Gilberg felt that when an appeal is made there needs to be a decision given as soon as possible. Joan Thacher feels that the way to have less law suits is to let the people be heard. She also thinks the fee is too high. Karalee Wood asked the Council to be careful. She didn't want it to be harder for people to file an appeal for something they feel passionate about. She also likes 10 business days to file instead of calendar days. Mr. Jim Walls is against the appeal authority being the same people who made the decision in the first place.

Out of Public Hearing

Council Member Carpenter suggested this item going back to Planning and Zoning. Council Member Brown felt like \$250 was too much for an appeal. She felt it could stop people from making appeals. Council Member Chamberlain didn't feel that if anyone was serious about a legitimate appeal \$250 wouldn't be that much. It costs the City a lot more than that. Mayor Houston felt that \$250 was not too much because there is a lot of expense incurred on the project being appealed. Council Member Burggraaf said it was reasonable for more serious appeals. The Council agreed to leave the fee at \$150 for an appeal and have the 10 days be calendar days not business days. Council Member Chamberlain expressed his frustration about appeals just being made to stop projects for long periods of time. A stay shouldn't be able to stop a project that isn't causing harm.

PUBLIC HEARING TO MAKE RECOMMENDATION TO CHANGE USE CATEGORIES AND

PERMITTED/CONDITIONAL USES IN LAND USE ORDINANCE: Attorney Stott explained that the Planning Commission had examined the conditional use permits and changed some to permitted uses with certain requirements. All foot notes were deleted and put somewhere else in the ordinance. A motion to go into and out of public hearing at the discretion of the Mayor was made by Council Member Wright and 2nd by Council Member Chamberlain. Motion passed unanimously. No Comments were received.

Out of Public Hearing

A motion to adjourn was made by Council Member Chamberlain and 2nd by Council Member Wright. Motion passed unanimously.

MAYOR

ROBERT D. HOUSTON

JOE DECKER

